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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,517	09/16/2003	Sang Yup Lee	Q77445	2292
23373 SUGHRUE MI	7590 05/14/200 ON, PLLC	EXAMINER		
2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			PROUTY, REBECCA E	
			ART UNIT	PAPER NUMBER
			1652	
			MAIL DATE	DELIVERY MODE
			05/14/2008	PAPER

## Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)					
Office Action Commence	10/662,517	LEE ET AL.					
Office Action Summary	Examiner	Art Unit					
	Rebecca E. Prouty	1652					
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
Status							
1)⊠ Responsive to communication(s) filed on <u>01 A</u>	oril 2008						
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims							
	Claim(s) <u>1,2,4,6,11 and 15</u> is/are pending in the application.						
	4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.							
6)⊠ Claim(s) <u>1, 2, 4, 6, 11, and 15</u> is/are rejected.	6)⊠ Claim(s) <u>1, 2, 4, 6, 11, and 15</u> is/are rejected.						
7) Claim(s) is/are objected to.	)☐ Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or	8) Claim(s) are subject to restriction and/or election requirement.						
Application Papers							
9)☐ The specification is objected to by the Examiner.							
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority under 35 U.S.C. § 119							
2) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).							
·—	a) All b) Some * c) None of:						
	1. Certified copies of the priority documents have been received.						
	2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Bureau (PCT Rule 17.2(a)).							
* See the attached detailed Office action for a list of the certified copies not received.							
Attachment(s)							
1) Notice of References Cited (PTO-892)  A) Interview Summary (PTO-413)  Discrete of Draftsperson's Patent Drawing Review (PTO-948)  Paper No(s)/Mail Date							
3) Information Disclosure Statement(s) (PTO/SB/08)  5) Notice of Informal Patent Application							
Paper No(s)/Mail Date 6) Other:							

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A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/1/08 has been entered.

Claims 3, 5, 7-10, 12-14 and 16 have been canceled.

Claims 1, 2, 4, 6, 11, and 15 are at issue and are present for examination.

Claims 1 and 2 are objected to because of the following informalities: the word "the" should be inserted prior to "average cysteine content". Appropriate correction is required.

Claims 1, 2, 4, 6, 11, and 15 are rejected under 35

U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification as filed fails to provide support for the recitation of "wherein the serine-rich protein contains cysteine

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less than or the same as average cysteine content in cellular proteins of the bacterium" in Claims 1 and 2 (upon which claims 4, 6, 11, and 15 depend). Applicants state that the amendment to claims 1 and 2 may be supported by the description of the specification, which extensively discusses serine-rich proteins and different types of such proteins i.e., serine-rich proteins which are not cysteine-rich as well as those which are also cysteine-rich. However, while the specification teaches the amino acid composition of 3 specific proteins (IL-12 p40, leptin and G-CSF) as well as the average of E. coli proteins the specification no where either explicitly or implicitly provides any indication that the claimed process is intended to be limited to serine-rich proteins that are not also cysteine-rich proteins. As such the added limitation is new matter.

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The 103 rejection over Ramirez et al. and Lamouse-Smith et al. in view of Martens et al., Swiss-Prot Accession No. P29460, Hatamoto et al. (JP 09/009982) and Koonin et al. is withdrawn in view of the amendments to the claims to limit the scope of the heterologous protein to serine-rich proteins which contains cysteine less than or the same as the average cysteine content in cellular proteins of the bacterium, as the cited art does not suggest that cysK expression will increase the level of serine synthesis and cysteine would not be expected to be in short

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supply in production of proteins with normal levels of this amino acid.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rebecca E. Prouty whose telephone number is 571-272-0937. The examiner can normally be reached on Tuesday-Friday from 8 AM to 5 PM. The examiner can also be reached on alternate Mondays

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nashaat Nashed, can be reached at (571) 272-0934. The fax phone number for this Group is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rebecca Prouty/ Primary Examiner Art Unit 1652